

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

UNITED STATES OF AMERICA,  
THE OFFICE OF THE GOVERNOR OF THE  
STATE OF SOUTH CAROLINA, THE  
DIRECTOR OF THE SOUTH CAROLINA  
DEPARTMENT OF NATURAL RESOURCES,  
THE COMMISSIONER OF THE SOUTH  
CAROLINA DEPARTMENT OF HEALTH AND  
ENVIRONMENTAL CONTROL, and THE  
COMMISSIONER OF THE DEPARTMENT OF  
NATURAL RESOURCES, STATE OF GEORGIA,

Plaintiffs,

v.

SCHLUMBERGER TECHNOLOGY  
CORPORATION,

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

The United States of America, by and through its undersigned Attorneys, by the authority of the Attorney General, and acting on behalf of the Secretary of the Department of the Interior, acting through the United States Fish and Wildlife Service ("DOI/USFWS") and the Department of Defense, acting through the Army Corps of Engineers ("DOD/COE"); the Office of the Governor of the State of South Carolina, the Director of the South Carolina Department of Natural Resources ("SCDNR") and the

Commissioner of the South Carolina Department of Health and Environmental Control (“SCDHEC”); and the Commissioner of the Georgia Department of Natural Resources (“GDNR”) file this complaint and allege as follows:

### **NATURE OF CLAIM**

1. This Complaint presents civil claims for natural resource damages arising from alleged releases of polychlorinated biphenyls (“PCBs”) at and from the site known as the Sangamo Weston/Twelvemile Creek/Lake Hartwell PCB Contamination Superfund Site (the “Site”).

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction to hear the claims pursuant to 28 U.S.C. §§1331 and 1345, 33 U.S.C. § 1321(n), and 42 U.S.C. §9613(b).

3. Venue is proper in the district pursuant to 28 U.S.C. § 1391 and 42 U.S.C. §9613(b), because the action arose in this judicial district and Defendant does business in this judicial district.

### **PARTIES**

4. Plaintiffs are the United States of America, acting on behalf of DOI/USFWS and DOD/COE, the Governor of the State of South Carolina, the Director of the South Carolina Department of Natural Resources, the Commissioner of the South Carolina Department of Health and Environmental Control, and the Commissioner of the Georgia Department of Natural Resources.

5. DOI/USFWS, DOD/COE, the Governor of the State of South Carolina, the Director of SCDNR, the Commissioner of SCDHEC, and the Commissioner of GDNR are each designated as a natural resource trustee under Section 311(f)(5) of the

Federal Water Pollution Control Act (also known as the Clean Water Act” or “CWA”), 33 U.S.C. § 1321(f)(5), and Section 107(f) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. § 9607(f), and as a designated trustee, each is authorized by these laws to act on behalf of the public to assess and recover damages for the injury, loss or destruction of natural resources, including resource uses or services, caused by releases of hazardous substances and, further, to use such damages to restore, rehabilitate, replace, or acquire the equivalent of the affected resources and services.

6. Defendant Schlumberger Technology Corporation (“STC”) is a corporation organized and incorporated under the laws of the State of Texas and is doing business in South Carolina.

#### **GENERAL ALLEGATIONS**

7. The Site comprises Lake Hartwell, certain tributaries, and seven properties (one of which is the Sangamo Plant) in Pickens County, South Carolina. The Site was listed on the National Priorities List promulgated by the United States Environmental Protection Agency pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and codified at 40 C.F.R. Part 300, Appendix B.

8. STC is the owner of the Sangamo Plant, a manufacturing facility where capacitors containing PCBs were produced from approximately 1955 through approximately 1977. STC’s predecessor by merger, Sangamo Electric Company, owned and operated the Sangamo Plant from approximately 1955 to approximately 1976. STC’s predecessor by merger, Sangamo Weston, Inc., owned and operated the Sangamo Plant from approximately 1976 to approximately 1987, and owned the Sangamo Plant from

approximately 1987 until approximately January 1, 1990, when Sangamo Weston, Inc., merged with Schlumberger Industries, Inc. ("SII"). On January 13, 1998, SII changed its name to Schlumberger Resource Management Services, Inc. In 2001, Schlumberger Resource Management Services, Inc. changed its name to SchlumbergerSema, Inc. In 2003 SchlumbergerSema, Inc. transferred certain stock and assets, including the Sangamo Plant and its liabilities, to STC. STC has owned the Sangamo Plant since that transfer.

9. There have been releases of hazardous substances, including PCBs, from the Site into soils, sediments, groundwater and surface waters.

#### **FIRST CAUSE OF ACTION**

(Natural Resources Damages – CERCLA)

10. The allegations set forth in Paragraphs 1 through 9, above, are incorporated herein by reference as if fully set forth below.

11. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

12. "Hazardous substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), including, but not limited to, PCBs were disposed of within the meaning of 42 U.S.C. § 9607(a)(2), and were released into the environment from the Site within the meaning of Section 101(8) and 101(22) of CERCLA, 42 U.S.C. § 9601(8) and (22).

13. Defendant is a person within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

14. Defendant is the owner of the Sangamo Plant and has assumed the liabilities of its predecessors at the Site. Defendant's predecessors disposed of PCBs and other hazardous substances at the Site. Defendant's predecessors also discharged effluent containing PCBs, and PCBs have been otherwise released, from the Sangamo Plant into surface waters, including Town Creek, Twelvemile Creek, and Lake Hartwell.

15. The release of hazardous substances from the Site caused injury to, the destruction of, or loss of natural resources which belong to, are managed by, are held in trust by, appertain to, or are otherwise controlled by the United States through DOI/USFWS and DOD/COE, by the State of South Carolina through the Office of the Governor of South Carolina, the Director of SCDNR and the Commissioner of SCDHEC, and the State of Georgia through the Commissioner of GDNR, as defined by and within the meaning of Section 101(16) of CERCLA 42 U.S.C. § 9601(16). Such natural resources include, but are not limited to, surface water, fish, freshwater habitat, birds and mammals.

16. Defendant is liable to the United States, the State of South Carolina and the State of Georgia under Section 107(a)(1), (2) and (4)(C) of CERCLA, 42 U.S.C. § 9607(a)(1), (2) and (4)(C), for damages for injury to, destruction of, or loss of natural resources belonging to, managed by, controlled by, or appertaining to the United States, the State of South Carolina or the State of Georgia including the cost of assessing such damage caused by the release of hazardous substances from the Site.

## **SECOND CAUSE OF ACTION**

(Natural Resource Damages – Clean Water Act)

17. The allegations set forth in Paragraphs 1 through 16, above, are incorporated herein by reference as if fully set forth below.

18. The Sangamo Plant is an “onshore facility” within the meaning of Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10).

19. “Hazardous substances” within the meaning of Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14), including, but not limited to, PCBs were “discharged” within the meaning of Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2) from the Sangamo Plant to Lake Hartwell and its tributaries.

20. Lake Hartwell and its tributaries are “navigable waters” of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

21. Defendant has assumed the liabilities of Sangamo Electric Company and Sangamo Weston, Inc., each of which was an “owner or operator” of an onshore facility within the meaning of Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6) at the time of the discharge of hazardous substances.

22. The discharge of hazardous substances into navigable waters of the United States violated Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3).

23. The discharge of hazardous substances into the navigable waters of the United States has caused damage to and destruction of natural resources, and has caused the United States, the State of South Carolina and the State of Georgia to incur and to continue to incur costs within the meaning of Section 311(f)(2), (4) and (5) of the CWA, 33 U.S.C. § 1321(f)(2), (4) and (5), to restore, rehabilitate, replace or acquire the

equivalent of the natural resources, including resource uses and services, injured, lost or destroyed as a result of releases of hazardous substances from the Site.

24. Pursuant to Section 311(f)(2), (4) and (5) of the CWA, 33 U.S.C. § 1321(f)(2), (4) and (5), Defendant is liable to the United States, the State of South Carolina and the State of Georgia for all costs incurred and to be incurred in restoring, rehabilitating, replacing, or acquiring the equivalent of the natural resources injured, lost or destroyed as a result of releases of hazardous substances from the Site, including the costs of assessing such damages.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray that this Court:

- A. Enter a judgment against Defendant for liability to Plaintiffs for all damages for injury to, destruction of or loss of natural resources, including to resource uses or services, resulting from the release and discharge of hazardous substances from the Site, including the cost of restoring, rehabilitating, replacing, and/or acquiring the equivalent of those injured resources, in an amount to be proven at trial;
- B. Enter a judgment against Defendant for liability to Plaintiffs for the costs of assessing the injury, destruction, and loss of natural resources, including resource uses or services, resulting from release and discharge of hazardous substances from the Site; and
- C. Enter an order for such other relief as the Court deems just and proper.

Respectfully submitted,

FOR THE PLAINTIFF UNITED STATES:

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